REMARKS

In the aforesaid Office Action, claims 1-19 were rejected under 35 USC §102(e) as anticipated by Lim et al. (6,344,045), and claims 1-19 were rejected under 35 USC §102(e) as anticipated by Lee et al. (6,287,314). Claims 1-21 are pending (new claims 20 and 21 being added by this amendment).

The Examiner rejected claims 1-19 under 35 USC §102(e) as anticipated by Lim et al. or Lee et al., stating that the references disclose a catheter having a wingless balloon which causes or which is capable of damage or rupture to the vulnerable plaque when inflating.

However, Lim et al. and Lee et al. do not disclose or suggest a method of treating vulnerable plaque including inflating the balloon to an expanded diameter to damage or rupture the plaque if the plaque is vulnerable plaque with minimal consequences to the plaque if the plaque is stable plaque. Support for the amendment to claims 1, 11 and 13 can be found at page 8, line 22 through page 9, lines 1-2 and page 11, lines 10-14. As discussed in Applicants' specification, stable, fibrotic lesions would be minimally affected by the low pressure, limited-diameter dilatation in accordance with a method embodying features of the invention, so that the method is a benign process if the plaque is a stable plaque incorrectly believed to be a vulnerable plaque.

In contrast, Lim et al. and Lee et al. disclose inflating the wingless balloons to "dilate the stenosis" or implant a stent "to open a stenosed vessel". Thus, Lim et al. and Lee et al. disclose methods in which the balloon is expanded to open up a blocked portion

of the body lumen, and do not disclose or suggest a method of treating vulnerable plaque in which the balloon is expanded to damage or rupture a vulnerable plaque but with minimal consequences on a stable plaque.

Regarding new claims 20 and 21, Lim et al. and Lee et al. do not disclose or suggest performing an analytical method on a plaque intended to identify the plaque as vulnerable plaque. Support for the amendment can be found in the fourth paragraph of the Detailed Description section of Applicants' specification. In contrast, Lim et al. and Lee et al., which disclose expanding the balloon to open up a stenosed vessel, do not disclose or suggest performing an analytical method on the plaque in an attempt to determine if the plaque is vulnerable plaque. Additionally, claim 21 specifically sets forth inflating the wingless balloon to expand the balloon from a wingless unexpanded diameter to an expanded diameter configured to intentionally damage or rupture the plaque if the plaque is vulnerable plaque, to thereby strengthen the vulnerable plaque by inducing extracellular matrix protein synthesis.

Moreover, regarding claims 13-15, Lim et al. and Lee et al. do not disclose or suggest inflating the wingless balloon using a diameter-limiting inflation device, such as one which limits the inflation pressure in the balloon, such as a pressure relief valve. Thus, Applicants respectfully request that the rejection under 35 USC §102(e) be withdrawn because Lim et al. and Lee et al. do not disclose every aspect required by claim 13.

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449, and request that they be considered by the Examiner. This

Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

Applicants respectfully request reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

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